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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,518	01/06/2004	Brian S. Hilton	117058	3343
25944	7590	11/17/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			VO, ANH T N	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/751,518	Applicant(s) HILTON ET AL.	
	Examiner Anh T.N. Vo	Art Unit 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-7 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 9-14 is/are allowed.
- 6) ☒ Claim(s) 1 and 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

NON-FINAL REJECTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/03/2006 has been entered.

Claims Rejections

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4-6 are rejected under 35 USC 102 (b) as being anticipated by Kobayashi et al (US 6,390,611).

With regard to claim 1, Kobayashi et al. discloses, in Figures 6-7, a refillable fluid reservoir (4) comprising:

- a fluid reservoir (4) having top (42), bottom (an unmarked bottom is opposite with an unmarked top that contains an element 42) and side walls (a side wall 43 and an unmarked side wall that is opposite with the side wall 43) defining an interior volume (44) for housing fluid (Figure 7);
- a venting port (an unmarked venting port that contains a number 62) provided on one (43) of the reservoir walls and having an open end (Figure 7); and
- a fluid inlet port (64) provided on the one (43) of the reservoir walls and having an open end (an unmarked open end of an element 64 that is connected to an ink tube 10) (Figure 7):

Art Unit: 2861

- wherein the venting port (an unmarked venting port that contains a number 62) and the fluid inlet port (64) are located in a side wall (43) of the fluid reservoir (4) (Figure 7); and
- the open end (an unmarked open end of an element 62 that is connected to an tube 12) of the venting port and the open end (an unmarked open end of an element 64 that is connected to an ink tube 10) of fluid inlet port (64) being located at substantially the same level, in gravitational direction (a direction from side wall 43 to an opposite side wall of element 43) (Figure 7).

With regard to claims 4-5, Kobayashi's venting port (an unmarked venting port that contains a number 62) or fluid inlet port (64) has a seal (47) that is selected from the poppet valves (Figure 7).

With regard to claim 6, Kobayashi's fluid reservoir is utilized in an ink jet print head (5, Figures 6-7).

Response to Applicant's Arguments

The applicant argues at page 6 that Ikkatai fails to disclose that "the open end of the fluid inlet port being located at a higher level, in a gravitational direction, than the open end of the venting port and both of them located in a side wall of the fluid reservoir". The argument is persuasive without traverse.

Allowable Subject Matter

Claims 7 and 9-14 are allowable. These claims would be allowable because the prior art references of record fails to suggest a refillable fluid reservoir for a fluid ejection head comprising a fluid inlet port and a venting port provided on one side wall of the reservoir, the fluid inlet port having an open end, the open end of the fluid inlet port being located at a higher level, in a gravitational direction, than the open end of the venting port in the combination as claimed.

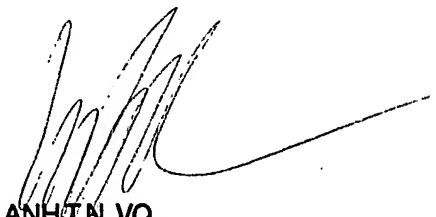
CONCLUSION

Art Unit: 2861

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262.

The examiner can normally be reached on Tuesday to Friday from 9:00 A.M. to 7:00 P.M.

The fax number of this Group 2861 is (571) 273-8300.

A handwritten signature in black ink, appearing to be 'ANH T. N. VO', with a long horizontal flourish extending to the right.

ANH T. N. VO
PRIMARY EXAMINER
November 14, 2006